

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

IN RE TYCO INTERNATIONAL, LTD.	)	
SECURITIES, DERIVATIVE AND	)	
“ERISA” LITIGATION	)	MDL Docket No. 02-1335-B (PJB)
	)	
_____ This Document Relates To:	)	
	)	
_____ Individual Actions	)	Civ. No. 03-1343 (PJB)
	)	Civ. No. 03-1339 (PJB)
_____ Securities Actions	)	Civ. No. 03-1337-B (PJB)
	)	Civ. No. 09-1336 (PJB)

**PARTIALLY ASSENTED-TO MOTION TO MODIFY  
OCTOBER 31, 2008 PRELIMINARY INJUNCTION ORDER**

Defendant L. Dennis Kozlowski, with the assent of Tyco International Ltd., Tyco International (U.S.) Inc., the State of New Jersey, Department of Treasury, Division of Investment, and plaintiffs in four of the five “opt-out” cases, respectfully moves for a modification of the preliminary injunction order, entered by this Court on October 31, 2008, imposing certain restraints on transfers of Mr. Kozlowski’s assets (the “Preliminary Injunction Order”). In support of this motion, Mr. Kozlowski states as follows:

1. On or about January 29, 2009, plaintiff Equitec-Schwartz LLC (“Equitec-Schwartz”) commenced a lawsuit in the U.S. District Court for the Northern District of Illinois, captioned Equitec-Schwartz, LLC v. Tyco International, Ltd., et al., No. 09. Civ. 0586 (N.D. Ill.), asserting claims against Mr. Kozlowski, among other defendants, for alleged violations of the federal securities laws and the New Jersey RICO statute (the “Equitec-Schwartz Action”).

2. On or about April 17, 2009, the Equitec-Schwartz Action was transferred to this Court under the auspices of the Judicial Panel on Multidistrict Litigation and assigned docket

number 09 Civ. 1336 (PJB).

3. In order to avoid the costs and uncertainties of litigation, and without any admission of liability or wrongdoing, Mr. Kozlowski and Equitec-Schwartz have reached an agreement in principle to settle all claims asserted or that could have been asserted in the Equitec-Schwartz Action.

4. The contemplated settlement of the Equitec-Schwartz Action would require Mr. Kozlowski to pay to Equitec-Schwartz \$5,000.

5. Mr. Kozlowski therefore seeks a modification of the Preliminary Injunction Order to permit Mr. Kozlowski to transfer \$5,000 to Equitec-Schwartz, separate from and in addition to any and all other transfers permitted under the Preliminary Injunction Order.

6. No memorandum is provided with this motion because the relief requested is clearly within the Court's discretion.

7. Tyco International Ltd., Tyco International (U.S.) Inc., the State of New Jersey, Department of Treasury, Division of Investment, and plaintiffs in four of the five "opt-out" cases have assented to this motion pursuant to Local Rule 7.1(c). (Consent from plaintiff's counsel in the fifth "opt out" case, brought by the Treasurer of the State of Michigan, was sought but has not been obtained.)

WHEREFORE, L. Dennis Kozlowski respectfully requests this Honorable Court grant the following relief:

A. Modify the Preliminary Injunction Order to permit Mr. Kozlowski to transfer \$5,000 to Equitec-Schwartz LLC, separate from and in addition to any and all other transfers permitted under the Preliminary Injunction Order; and

B. Grant such other relief as may be just.

Dated: October 28, 2009

Respectfully submitted,

/s/ Elizabeth M. Leonard  
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